

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SHAWAND EBANKS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

REDBOX AUTOMATED RETAIL, LLC,

Defendant.

Judge Hon. Virginia M. Kendall
Magistrate Judge Hon. Jeffrey Cummings

No. 1:19-cv-04532

MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

Defendant Redbox Automated Retail, LLC (“Defendant” or “Redbox”), by and through its attorneys, hereby brings this uncontested motion for a 30-day extension of time, to and including August 9, 2019, to respond to the Complaint filed by Plaintiff Shawand Ebanks (“Plaintiff” or “Ebanks”), and in support thereof states as follows:

1. Plaintiff filed this action against Redbox on June 6, 2019 in the Circuit Court of Cook County, Illinois, Chancery Division, case no. 2019CH06908 (the “Cook County Action”).

2. Defendant has not been served with process in the Cook County Action. However, Defendant’s counsel received a copy of the Complaint from Plaintiff’s counsel via email on June 7, 2019.

3. Defendant timely removed the Cook County Action to this Court on July 3, 2019.

See Dkt 1.

4. Under Federal Rule 81, Defendant's response is now due seven days from the date of removal – July 10, 2019. Fed. R. Civ. Proc. 81(c).¹

5. Plaintiff alleges a nationwide Telephone Consumer Protection Act class action against Defendant. Defendant is in the process of investigating the allegations in the Complaint and requires additional time to complete the investigation, which will then allow it to file a response to Plaintiff's Complaint.

6. Defendant's undersigned counsel contacted Plaintiff's counsel, requesting Plaintiff's agreement, subject to Court approval, to a thirty day extension, up to and including August 9, 2019, for Defendant to respond to Plaintiff's Complaint. Counsel for Plaintiff agreed to this request for an extension.

7. This motion for extension of time is being made before expiration of the deadline in question.

8. Defendant brings this motion in good faith, Plaintiff will suffer no prejudice as a result of the extension, and the extension will not unduly delay this judicial proceeding.

WHEREFORE, Defendant Redbox Automated Retail, LLC respectfully requests that the Court extend the deadline for it to respond to Plaintiff's Complaint for a period of 30 days, to and including August 9, 2019.

¹ Rule 81 provides that a defendant who did not answer before removal must answer or present other defenses or objections within the longest of the following periods: (A) 21 days after receiving—through service or otherwise—a copy of the initial pleading stating the claim for relief; (B) 21 days after being served with the summons for an initial pleading on file at the time of service; or (C) 7 days after the notice of removal is filed. Fed. R. Civ. Proc. 81(c). Since Defendant arguably received notice of the Cook County Action on June 7, 2019, and this action was removed on July 3, 2019, the longest of the identified periods would be seven days after removal.

Dated: July 9, 2019

Respectfully submitted,

By: /s/ Martin W. Jaszczuk

Martin W. Jaszczuk

Margaret M. Schuchardt

Tamra Miller

JASZCZUK P.C.

311 South Wacker Drive, Suite 3200

Chicago, IL 60606

Telephone: (312) 442-0509

Facsimile: (312) 442-0519

mjaszczuk@jaszczuk.com

CERTIFICATE OF SERVICE

I, Margaret M. Schuchardt, an attorney, certify that I caused the foregoing document to be served upon the following via electronic mail and U.S. Mail on July 9, 2019:

Eugene Y. Turin
MCGUIRE LAW, P.C.
55 W. Wacker Drive, 9th Fl.
Chicago, IL 60601
eturin@mcgpc.com

Frank S. Hedin
HEDIN HALL, LLP
1395 Brickell Ave., Suite 900
Miami, FL 33131
Tel: (305) 357-2107
fhedin@hedinhall.com

/s/ Margaret M. Schuchardt